

REAL ESTATE COMMISSION[193E]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 543B.9 and 543B.18, the Real Estate Commission hereby amends Chapter 11, "Brokerage Agreements and Listings," Iowa Administrative Code.

The amended rule 193E—11.2(543B) requires that a licensee furnish to an owner by both regular mail and certified mail, return receipt requested, or by personal delivery with written receipt a list of the names and contact information of persons to whom the property was presented during the active term of the listing and for whom protection is sought.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 9753B** on September 21, 2011. One comment was received from the public on September 28, 2011, concerning the proposed amendment. The comment resulted in changing the word "addresses" to "contact information."

The change was accepted by the Real Estate Commission on October 13, 2011, and adopted by the Commission on November 17, 2011.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code chapter 543B.

This amendment shall become effective on February 1, 2012.

The following amendment is adopted.

Amend rule 193E—11.2(543B) as follows:

193E—11.2(543B) Enforcing a protective clause. To enforce a protective clause beyond the expiration of an exclusive listing contract, there must be a provision for the protective clause in the listing contract which establishes a definite protection period. The In writing and prior to the expiration of the listing, the broker must furnish to the owner listing party in writing, by both regular mail and certified mail, return receipt requested, and prior to the expiration of the listing the names and addresses available contact information of persons to whom the property was presented during the active term of the listing and for whom protection is sought. Delivery shall be by personal service with written acknowledgment of receipt, or by both regular mail and certified mail, return receipt requested.

[Filed 11/28/11, effective 2/1/12]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/28/11.